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*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
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***SENIOR COUNSEL

November 14, 2001

WRITER'S DIRECT NUMBER:

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Commissioner for Patents
Washington, D.C. 20231

Art Unit 1655

Re: U.S. Utility Patent Application
Appl. No. 09/599,594; Filed: June 22, 2000
For: **Primers and Methods for the Detection and Discrimination
of Nucleic Acids**
Inventors: Nazarenko *et al.*
Our Ref: 0942.4980002/RWE/AGU

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal (PTO/SB/17) (*in duplicate*);
2. Fourth Supplemental Information Disclosure Statement (*in duplicate*);
3. Form PTO 1449 (2 sheets) listing references AE6, AF6, AR18, AS18, AT18, AR19, AS19 and AT19;
4. A copy of references AE6, AF6, AR18, AS18, AT18, AR19, AS19 and AT19;
5. Our check no. 33188 for \$180.00 to cover the IDS late fee; and
6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are

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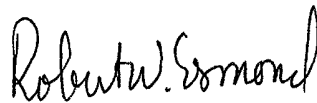
Commissioner for Patents
November 14, 2001
Page 2

necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

RWE/AGU:kim
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13
mw

In re application of:

Nazarenko *et al.*

Appl. No. 09/599,594

Filed: June 22, 2000

For: **Primers and Methods for the
Detection and Discrimination of
Nucleic Acids**

Art Unit: 1655

Examiner: Fredman, J.

Atty. Docket: 0942.4980002/RWE/AGU

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Fourth Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fourth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Third Supplemental Information Disclosure Statement filed on July 18, 2001 in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

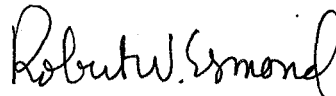
This Fourth Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

Attached is our Check No. 33188 in the amount of \$ 180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

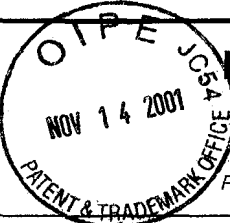


Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

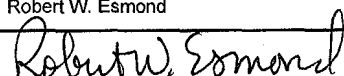
Date: Nov. 14, 2001

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to this collection of information unless it displays a valid OMB control number.

 <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2002</h3> <p style="font-size: small; margin: 0;">Patent fees are subject to annual revision.</p>		Complete if Known	
		Application Number	09/599,594
		Filing Date	June 22, 2000
		First Named Inventor	NAZARENKO
		Examiner Name	Fredman, J.
		Group Art Unit	1655
		Attorney Docket No.	0942.4980002/RWE/AGU
TOTAL AMOUNT OF PAYMENT (\$)		180.00	

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																																																																																																																																																																																																						
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Deposit Account Number</td> <td>19-0036</td> </tr> <tr> <td>Deposit Account Name</td> <td>Sterne, Kessler, Goldstein & Fox P.L.L.C.</td> </tr> </table> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed: Check No. 33188</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other*</p> <p><small>*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.</small></p>	Deposit Account Number	19-0036	Deposit Account Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.	<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large</th> <th>Entity</th> <th>Small</th> <th>Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td></td><td></td><td></td><td></td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td></td><td></td><td></td><td></td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td></td><td></td><td></td><td></td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td></td><td></td><td></td><td></td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td></td><td></td><td></td><td></td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td></td><td></td><td></td><td></td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td></td><td></td><td></td><td></td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td></td><td></td><td></td><td></td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td></td><td></td><td></td><td></td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td></td><td></td><td></td><td></td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td></td><td></td><td></td><td></td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td></td><td></td><td></td><td></td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td></td><td></td><td></td><td></td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td></td><td></td><td></td><td></td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td></td><td></td><td></td><td></td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td></td><td></td><td></td><td></td><td>Petition to revive - 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late filing fee or oath		127	50	227	25					Surcharge - late provisional filing fee or cover sheet		139	130	139	130					Non-English specification		147	2,520	147	2,520					For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*					Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*					Requesting publication of SIR after Examiner action		115	110	215	55					Extension for reply within first month		116	400	216	200					Extension for reply within second month		117	920	217	460					Extension for reply within third month		118	1,440	218	720					Extension for reply within fourth month		128	1,960	228	980					Extension for reply within fifth month		119	320	219	160					Notice of Appeal		120	320	220	160					Filing a brief in support of an appeal		121	280	221	140					Request for oral hearing		138	1,510	138	1,510					Petition to institute a public use proceeding		140	110	240	55					Petition to revive - unavoidable		141	1,280	241	640					Petition to revive - unintentional		142	1,280	242	640					Utility issue fee (or reissue)		143	460	243	230					Design issue fee		144	620	244	310					Plant issue fee		122	130	122	130					Petitions to the Commissioner		123	130	123	130					Petitions related to provisional applications		126	180	126	180					Submission of Information Disclosure Stmt	\$180.00	581	40	481	40					Recording each patent assignment per property (times number of properties)		146	740	246	370					Filing a submission after final rejection (37 CFR 1.129(a))		149	740	249	370					For each additional invention to be examined (37 CFR 1.129(b))		179	740	279	370					Request for Continued Examination (RCE)		169	900	169	900					Request for expedited examination of a design application	
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<p>1. BASIC FILING FEE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large</th> <th>Entity</th> <th>Small</th> <th>Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>740</td><td>201</td><td>370</td><td></td><td></td><td></td><td></td><td>Utility filing fee</td><td></td></tr> <tr><td>106</td><td>330</td><td>206</td><td>165</td><td></td><td></td><td></td><td></td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>510</td><td>207</td><td>255</td><td></td><td></td><td></td><td></td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>740</td><td>208</td><td>370</td><td></td><td></td><td></td><td></td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>160</td><td>214</td><td>80</td><td></td><td></td><td></td><td></td><td>Provisional filing fee</td><td></td></tr> </tbody> </table> <p>SUBTOTAL (1) (\$) -0-</p>	Large	Entity	Small	Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	101	740	201	370					Utility filing fee		106	330	206	165					Design filing fee		107	510	207	255					Plant filing fee		108	740	208	370					Reissue filing fee		114	160	214	80					Provisional filing fee		<p>2. EXTRA CLAIM FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large</th> <th>Entity</th> <th>Small</th> <th>Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>203</td><td>9</td><td></td><td></td><td></td><td></td><td>Claims in excess of 20</td><td></td></tr> <tr><td>102</td><td>84</td><td>202</td><td>42</td><td></td><td></td><td></td><td></td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>104</td><td>280</td><td>204</td><td>140</td><td></td><td></td><td></td><td></td><td>Multiple dependent claim</td><td></td></tr> <tr><td>108</td><td>84</td><td>209</td><td>42</td><td></td><td></td><td></td><td></td><td>**Reissue independent claims over original patent</td><td></td></tr> <tr><td>110</td><td>18</td><td>210</td><td>9</td><td></td><td></td><td></td><td></td><td>**Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table> <p>SUBTOTAL (2) (\$) -0-</p>	Large	Entity	Small	Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	103	18	203	9					Claims in excess of 20		102	84	202	42					Independent claims in excess of 3		104	280	204	140					Multiple dependent claim		108	84	209	42					**Reissue independent claims over original patent		110	18	210	9					**Reissue claims in excess of 20 and over original patent																																																																																																																																																																															
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SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Robert W. Esmond	Registration No. (Attorney/Agent)	32,893	Telephone	202-371-2600
Signature		Date			

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